

In re Application of:  
Fenical et al.  
Application No.: 09/991,518  
Filed: November 16, 2001  
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PATENT  
Attorney Docket No.: UCSD1630-1

II. REMARKS

In response to the requirement for restriction under 35 U.S.C. 121, mailed June 3, 2003, Applicants elect, with traverse, Group I, consisting of Claim 1. In addition, Applicants request examination of newly added claims 13-17, which depend from claim 1 and which are directed at an isolated marine actinomycete, and newly added claims 18-20, which recite methods that include culturing the marine actinomycete of claim 1.

In the present Amendment, Applicants have amended claims 1 and 2, and have added new claims 13-20. The amendments to claim 1 are supported, for example, by Table 3. The amendments to claim 2, are supported, for example, by Example 4. Newly added claim is supported by paragraph 26. Newly added claim 14 is supported by page 12, paragraph 28. Newly added claim 15 is supported by page 12, paragraph 26. Newly added claim 16 is supported by page 12, paragraph 26. Newly added claim 17 is supported by paragraph 26. Newly added claim 18 is supported by claim 2 and Example 4. Newly added claim 19 is supported by paragraph 25. Newly added claim 20 is supported by paragraph 23. After entry of the amendments, claims 1-20 will be pending and under consideration.

Applicants respectfully request rejoinder of Group II, claims 2-7, with Group I. Furthermore, Applicants respectfully request consideration of newly added methods claims 18-20, which include culturing the isolated marine actinomycete of claim 1. A search of Group I will identify art that is relevant to Group II and newly added claims 18-20. In fact, examining together claims directed at an isolated marine actinomycete (claims 1 and 13-17) with claims directed at methods that include the marine actinomycete to produce a biomolecule (claims 2-7 and claims 18-20), would prevent a duplicative effort on the part of the U.S. Patent and Trademark Office. Searching the marine actinomycete of claim 1, will identify art relevant to the methods of claims 2-7 and 18-20.

In view of the amendments and the above remarks, it is submitted that the claims are in condition for allowance and a notice to that effect is respectfully requested. The Examiner is invited to contact Applicant's undersigned representative if there are any questions relating to

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this application. A Petition for Extension of Time of One Month, and the required fee check are enclosed herewith. Please charge any additional fees, or make any credits, to Deposit Account No. 50-1355.

Respectfully submitted,



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Lisa A. Haile, J.D., Ph.D.  
Registration No. 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

**Customer Number: 28213**  
GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133